PRICE TWO CENTS.

TO REGULATE PRICE OF MILK

THE ATTORNEY-GENERAL URGES DRASTIC LEGISLATION.

He Finds That in This City There is in Effect a Combination Which Fixes the Price at Which the Producer is obliged to Sell Milk in This Market.

ALBANY, April 25. Drastic legislation is recommended to regulate the price of milk in the report submitted to the Legislature to-night by Attorney-General Edward R. O'Malley as a result of his investigation of the so-called milk trust operating in New York city.

The report calls attention to the general subject of the anti-monopoly we. To a great extent these statutes have not brought the renef hoped for. because they are evaded by so-called "gentlemen's agreements."

The Attorney-General recommends the continuance of the anti-monopoly laws, but gave the State must now go further. "It must regulate the price, or at least the profits, which middlemen and dealers may charge for articles of common necessity. Milk or any other article of commor necessity can be handled at less expense in large quantities. This can only be done by some kind of organization or community of effort. The evil therefore is not so much the organization as the abuses which this organization produces."

The Attorney-General divides the findings and summarizes the testimony to support them under four headings, as follows:

1 That there exists in New York city a condition which in effect is a combination which fixes the price at which the producer is obliged to sell milk in the metropolitan market and that the producer has no voice in determining what that price is.

The report reviews the history of the litigation brought by the State in 1891 against the Milk Exchange, in which a udgment was entered in the county of Broome in 1995 dissolving the corporation and annulling its charter on the ground that it was a combination to limit and essen the supply of milk in the State f New York. That six months later, after this judgment of dissolution had been entered, the Consolidated Milk Exchange was organized under the laws of the State of New Jersey and carried on a similar business to that conducted by the Milk Exchange formerly, and some of the original incorporators of the Milk Exchange were also the original incorporators of the Consolidated Milk Ex change. That the latter company was permitted by the Secretary of State to conduct business in this State, which it Mrs. Coventry Asks That an Agreeme did at 6 Harrison street, the original ffice of the Milk Exchange. That the said Consolidated Milk Exchange through its committee on values monthly fixed the price or "value" which it would pay for succeeding month; that Borden's Condensed Milk Company, the largest milk dairy in New York city, every six nonthe arbitrarily fixed the price to the roducer for the ensuing six months and that the Sheffleld Farms-Slawson-That these prices on an average the year that all the dealers in milk in New

city bought milk at these prices. 2. That these prices paid to the producers were unreasonable and unprofit

price paid to the producer for the years 908 and 1909 was from 3 1-3 to 35 cents quart and that the average cost of production during the same period was 3.513 cents a quart, so the producer was getting about what it cost him to pro-He was obliged to accept these races if he sold his milk in the New York market or else take the chance of sendng his shipments to unknown and oftenmes irresponsible dealers, running the As a result of this condition there have been many dairy farms abandoned in the State of New York.

3. That although there was no lega evidence adduced showing a combination or agreement to advance the price of milk n November 1, 1909, some kind of an arrangement, "gentlemen's agreement" r otherwise, was made to a moral cer-

The report shows that there had been some consultation among dealers as "the advisability and necessity for raising the price of milk" prior to Novem-1909, but the witnesses and dealers alled denied that any agreement was made. The report points out the difficulty of proving the existence of an agreemen ones who know of it are the dealers themselves, and the impossibility of proving the existence of what is commonly calle

the "gentlemen's agreement."

The report further shows that the expianation made by the dealers that the raise in the price of milk from 8 to 9 cents position to demand a raise in the price milk from the dealers and (b) only onequarter of the cent increase was paid of the cent raise was retained by the

1 That the raise in the price of bottled mile from 8 to 9 cents a quart on Novem

ber 1, 1909, was not justified. The report shows that while individual mailer dealers do not make exerbitant prices by reason of the raise the eviden which were the largest dealers in New York city made enormous profits on the fluid milk branch of their business. Ac-30, 1909, of \$779,407.92, an increase 30, 1909, of \$779,407.92, an increase of \$340.353.12 over the preceding year. The capital stock of this company was \$25,090,-690, of which \$15,000,000 was issued for trade marks, patents and good will. A 6 per cent, dividend on the common stock of this company has been paid nearly 5 very year for ten years and at the same time a surplus created of about \$8,000,000. The Sheffield Farms - Slawson - Decker Company was organized about eight years ago with a capital stock of \$600,000, of which \$300,000 was insued for temping. assets and \$300,000 for good will. This company's net earnings for the year ended February 28, 1909, were \$221.604.603. The net earnings for eight month ded October 31, 1909, were \$257,923.47. ended October 31, 1808, This company has paid 12 per cent. divi dends each year on its capital stock and 22 per cent. dividends for the year ended December 31, 1909, with a surplus now of

The report further shows that after the hearings began the Consolidate of Milk Exchange, which was incorporated under the laws of the State of New Jer sey, applied to the Secretary of State to have its license to do business in this State cancelled and to be permitted to voluntarily withdraw from the State; that while this takes the corporation from out the jurisdiction of the courts yet the constituent or integral parts of the corporation who reside and carry on business in the State of New York may be amenable to the law.

The report also says that during the hearings copies of all the evidence adduced were furnished to the District Attorney of New York county and that upon such evidence a special Grand Jury found individual and blanket indict ments against eight members of the board of directors of the Consolidated Milk Exchange for violating the provisions of the anti-monopoly act.

BROKAW MUST PAY. Jury Decides That He Must Settle Hotel

MINEOLA, L. I. April 25. In the rought by Harry S. Wilder against W Gould Brokaw for the amount due for board of Mrs. Brokaw at a hotel in Manhattan it took the jury only fifteen minutes this morning to find a verdict against the defendant. The jury awarded the plaintiff the full amount asked, \$1,409.29, with nterest from December, 1908.

The claim against Mr. Brokaw was ssigned to Wilder by Eager & Babcock of 14 West Sixtieth street, Manhattar at whose hotel Mrs. Brokaw stopped when the Brokaw home at Great Neck was closed against her by her husband. She stayed at the hotel from December 20 1908, to January 23, 1909. At the trial last week Mrs. Brokaw test ifled that she was without funds while staying at the hote! and that she had borrowed from Mc Babcock money with which to repay money loaned to her by her maid. She said that her husband sent her two checks. that payment had been stopped. Mrs. Brokaw testified that her sister was her guest part of that time at the hotel.

John F. McIntyre on behalf of Mr Brokaw tried hard to have the expense of the sister at the hotel stricken from the bill, but Justice Kapper ruled that Mrs. Brokaw was entitled to reasonable companionship and that there could be no valid objection to her having had her sister as a guest.

TRUST FUND OF \$600,000.

for Benefit of Her Son Be Set Aside.

The testimony of A. Lanfear Norrie of 5 East Eighty-fourth street was filed vesterday in a suit brought by Edith Coventry, wife of Henry Thomas Covenry, third son of the Earl of Coventry, to ave declared void a trust agreement by which she set aside a trust fund of \$800,000 from the estate of her grandfather. Pierre Lorillard, for the benefit of her son, Lawrence McCreery, now 14 Decker Company did the same thing. years old. Mrs. Coventry got a divorce father, in 1904 and married the Henry Thomas Coventry in 1907.

Norrie, Supreme Court Justice Gerard and Ernest Iselin were named as trustees. The income was to go to Mrs. Coventry for life and after her death to her son. She brought suit last year to have the trust agreement declared void because she made it just before her marriage to her present husband and it was not to be carried out urless Mr. Coventry approved of it. He declined to approve case was heard before a referee and was nearly concluded when the birth of a son, Victor Henry Coventry, on December 4 last caused it to be reopened on the ground that his rights were involved.

Mr. Norrie testified that Mrs. Coventry in 1907 told him the securities composing the trust were not to be delivered her future husband consented. They were never delivered, he said.

WIPING OUT POSTAL DEFICIT.

Increases of Receipts From Nearly Every Post Office in the Country.

WASHINGTON, April 25. As the result of increases in receipts from nearly every post office in the country the postal deficit is rapidly being wiped out. In a day or two the Postmaster-General will be able to sign an order returning to the general fund of the Treasury \$4,000,000 of the amount transferred to the account of the amount transferred to the account of the postal service. This is the first time in many years that the Department's receipts have justified a reduction of its working capital by the actual return of money to the Treasury. The increases in receipts since July 1 last have been unprecedented.

in receipts since July I last have been unprecedented.
Since July I last, the beginning of the fiscal year, postal receipts have gained in the fifty largest post offices approximately \$8,500,000 over the previous year. This is a little less than half jof the usual deficit, which is between \$8,500,000 and \$19,000,000. As this increased income is derived from the fifty largest offices, with thousands of other offices to be heard from, it looks now as though the public will make contributions to the Post Office Department that will enable it on June 30 next to declare that it is self-sustaining for the first time in many years.

ANNAPOLIS. April 25. Miss Marjorie Bartlett, daughter of Lieutenant-Commander F. W. Bartlett, U. S. N., had narrow escape from drowning while out with Lieut. F. W. Stirling, U. S. N., trying

his new automobile this afternoon.

Miss Bartlett drives her own car and is a motor enthusiast. The ride went merrily until the two had passed the basin road which skirts the boat lagoon. On the narrowest part of this road the steering gear of the car, which Miss Bartlett was driving, became jammed and the automobile dashed over the sea wall

ECCENTRIC HAVEMEYER DEAD

REDERICK C. TOOK LIFE RASY WHEN HIS MONEY CAME.

Lived to Be 28 Was Known as 'the Angel" by Many a Chorus Collected Clocks and One That He Wound on Sunday Has Still Stx Days to Run.

Frederick Christian Havemeyer, eldest child in the family of which Henry O. Havemeyer, the sugar trust head, was in a flat at 135 West Eighty-fourth street, where he had lived apart from his relatives for eighteen years. He was 78 years old.

Unlike his three active brothers Henry (), Thextore A., and Thomas J. this eldest son of the second Frederick Christian Havemeyer was no financier His business career terminated while he was still a young man. He was a patron of many things. Music was always in the foreground of his life and the stage was an obsession with him

More than half a century ago the sugar establishment of the Havemeyers was in Vandam street. As the sons of the firm's head grew up they went to work as clerks in the house and . " the sake of convenience they had quarters in a building next to the business place. It was while the eldest son still occupied a stool that he joined the old volunteer fire department. He ran with the Amity Hose.

As a boy he went to a French boarding school in St. Marks place and saved the small allowance at his disposal to exchange for a seat in Burton's Theatre in Chambers street. When more money was in his hands in later days he began to attend concerts and oratorios and benefits. For forty years he was a member of the Philharmonic Society and he was a life member of the Arion and Manuscript societies. For a short time he was enlisted with the Seventy-first Regiment and he saw some service in the civil war He was one of the founders of the American Institute, the Horticulture Society and the Queens County Fair.

His wife died about forty years ago nd they had no children. For a time he lived with one of his married sisters, Mrs. Kate B. Belloni. It was to her home at 14 East Sixty-sixth street that his body was taken yesterday and from there the funeral wili be held on Wednesday morning Mrs Belloni and Mrs. Sarah Louise Jackson of 61 East Seventy-second street are now the only ones living of the ten children of Frederick Christian Havemeyer and Sarah Osborne Townsend They had a country place at Throg's Neck in Westchester county, where the father died on July 28, 1891.

Six children were living then. By the terms of his will the residue of the estate was divided into eight equal parts, of which the four sons received one part each and the two daughters two parts The value of the estate at that time was estimated at \$1,750,000. The share that fell to Frederick was enough to permit him to finish his life as he wished. He spent considerable sums on those whom he desired to befriend. One story of his kindliness was told by a friend yesterday.

There is a very old German woman whom Mr. Havemeyer bought eggs for many years. Before her husband's death she lived in Brooklyn and for many years Mr Havemeyer was accustomed to take a basket every Monday morning and return with it filled to his home near Columbus avenue. He paid six cents apiece for the eggs. When the old woman was left a widow Mr. Havemeyer kept sending her sums of money. too feeble even to care for her chickens and this was her only source of income Mr. Havemeyer collected all manner of curious knickknacks. In his sitting

room a set of delicately painted china rests on a table opposite the stuffed foot of an elephant. Vases etched with Japanese designs and flowered embroideries in stiff frames are on the mantle. The water color of the Throgs Neck estate hange in one corner of the little room Scattered all about are clocks of every size and fashion. Clocks were a hobby with Mr. Havemeyer. He was able to get from his bed on Sunday morning to wind a grandfather's clock, of which he was particularly careful. It is still

The people with whom he lived made much of him. His birthday was always narked with a celebration. He was born on October 11, 1892, and when he was 70 there was a dinner for his friends. On occasions of that sort he would talk numbered among his keepsakes, or of the apron which Lafayette wore long before it entered the frame where it hange now, or of a stuffed bullfinch which cost Most of the collection, cosmopolitan as it was, was bought in New York

Havemeyer was not a traveller. As a frequent patron of concerts Mr. Havemeyer came to know many musicians, among them Joseffy. He admired and knew the Booths also and he was most enthusiastic about Charlotte Cushman, at one of whose performances of Lady Macstanding room.

Even in later life Mr. Havemeyer's admiration for stage people brought him into prominence. Despatches appeared from Detroit and Baltimore and other places mentioning him as a type of angel which he ngured. Eva Yanguay's light-ning change of costume in one act seemed to interest him. When Trixle Friganza played in Chicago seven years ago Mr. Havemeyer seldom missed a performance. Many of Mr. Havemeyer's summers were spent on Fire Island. One year he decided to give a flag to the island and he remarked it to be a good one. The codes there was no constraint among them. He

Canvas of Show in Jersey City Collapse

show collapsed early this morning in a thundersterm and one man was kille Bidwell and Ocean avenues, Jersey City It wasn't known whether the animals of the menagerie were liberated or not, but it was conjectured that the cages had withstood the test of the falling poles and

The collapse was doubtless caused by a high wind which accompanied the seventh, died yesterday morning the deluge. The poles and guy ropes couldn't withstand the pull of the wind and the weight of the wet canvas.

One of the men employed by the sho was struck by a falling pole and was instantly killed. His body was taken to the Jersey City morgue. It is probable that he was stricken as he slept

Another employee of the circus was struck by a spar and was so serious! injured that he was taken to the hospital The Robbius circus is one of the lesser hows which tour the country, beginning in one of the larger cities and following a circuit of middle sized towns. Frank A. Robbins went into bank-

ruptcy eight years ago, but his show started up again MRS. HAMMERSTEIN FREED.

Reno Court Grants Divorce and Maide Name to Arthur's Wife. RENO, Nev., April 25. "He told me that he did not love me any more and that he was not going to live with me any longer," said Mrs. Arthur Hammerstein this afternoon in Judge Pike's court when after several hitches the hearing

f her suit for divorce came up. Mrs. Hammerstein asked the Court not to make any order respecting the custody of their daughter as her welfare would be better conserved if both parents had equal jurisdiction. The Court granted hurled aside or dropped, and as the massion to resume her maiden name lean Kent Allison.

ALL DELEGATES FOR TAGGART. Wins Easily in Indianapolis and Will Cor trol State Convention

INDIANAPOLIS, April 25. Tom Taggart carried every ward in the primaries in this city to-night, but the methods adopted are being roundly denounce by many leading Democrats, and even some of his supporters are making apology for him and explaining that he is not responsible

In the Third ward the anti-Taggard men could not get representation on the election board, and when they reached the polling place they found that George Ray, an ex-convict, had been appointed inspector. They protested against such a man acting in that capacity, but were howled down. The antis withdrew in a body and refused to vote. In the Fourth ward the Taggart men

ook possession of the polls and but few of the antis were permitted to vote. In the Eighth ward the same tactics were resorted to and the antis opened a polling place, chose an election board and cast their votes for the slate.

The men chosen at the Taggart polls received the regular certificates of election and the antis will carry a contest to the State convention. In all of the wards the Taggart following was very aggressive and carried things with a high hand. in the country precincts there was little strife, but the Taggart organization was Hundreds of Democratic politicians from all parts of Indiana are here to-night and many of the delegates to the Democratic State convention, which meets on Wednesday, are here working for candi-

Fourth district entered the race for the Senate nomination to-day, but asked his friends to vote against naming a candidate at this convention and to work for the holding of a State primary immediately after the November election. It is believed that his district will thus be brought into line against Gov. Marshall. There seems to be no doubt anywhere hat the Governor has been defeated.

ALLEGED EXPRESS BOX FRAUD. dan Charged With Shipping Himself as Glassware and Leaving Box.

DETROIT April 25 - Charles and Joseph lutna, brothers, of Detroit were arrested to-day charged with trying to get \$2,000 from the American Express Company by fraud. On March 31 Joseph Plutna delivered for shipment to West Paulett, Vt., box six feet long, four deep and three wide. It weighed 490 pounds.

Plutua billed it as glassware valued at \$1.500. He insisted that it be shipped that very night. For some reason there was a delay and the coffinlike box did not leave until pext morning. When it finally arrived at its destination the box shows evidence of having been tampered with. It weighed 240 pounds and on being opened it was found to contain a rough board and a bag of crackers.

The consignee refused to accept the box, exhibiting a letter from Plutna to the effect that he should refuse to accept the box in case the weight should be found to be incorrect.

The American Express Company started an investigation, and Plutna filed a claim for \$2,000.

for \$2.000. The police allege that Charles Plutua ahipped himself from Detroit but emerged from the box at Fletcher, Ont., where the train was sidetracked. The hag of crackers found in the box in Vermont furnished the clue.

FOOTPADS IN CENTRAL PARK. Two With a Gun Bob W. J. Berby, Beat

Two men held up and robbed Derby of 1:00 'Third avenue in Central

CANON CITY, Col., April 25.-A desperate attempt at a penitentiary delivery was

WATERLOO FOR ZEPPELIN SHIP

A circus tent of the Frank A. Robbins WRECK OF AERIAL MONSTER REVIVES HOSTILE CRITICISM.

and another injured. The tent was at Piler Was Solidly Anchored, but Cable Snapped Like Threads When Wind Hit Her Soldiers Hurt Two Cumbrous for War British Mishap Also.

Special Cable Despatches to THE SUN. BERLIN, April 25.—The great airship Zeppelin II. while at anchor on the return voyage from Homburg to Cologne to-day was partly wrecked at Weilburg.

The Zeppelin II. was lying at anchor at Limburg while on the way back to Cologne from the review by the Kaiser at Homburg when it broke loose during a heavy gale. The wind tore the airship from the grasp of 300 soldiers and it descended at Weilburg, thirteen miles away.

It came down so as to hang partly on he roof of a hotel and partly on high trees. There was only one occupant when the airship soared, and he was terribly injured when the airship fell, striking with great violence. The after part of the craft was completely wrecked. It was only about fifteen minutes from the time the airship broke free to the time it

The latest details of the disaster illustrate the tremendous effect of high winds on aerial monsters. The Zeppelin's bow was anchored to wagons loaded with bags of sand and buried in the ground so that it was believed that no wind could harm the ship.

When the gale struck the Zeppelin, however, the cables snapped like pack threads and the stern was wrenched from the hold of the soldiers as if they were a mere handful of children. They were chine suddenly soared several were severely hurt. There was no one or board the machine at the time, a forunate circumstance, as the ship is almost complete wreck.

The Zeppelin II. is a sister ship to the dirigible destroyed by lightning at Echterdingen in August, 1908.

The disaster has reawakened criticism of this type of flying machine, and the ppinion is widely held that its fate has een definitely sealed. It is said that the Government was virtually compelled by popular clamor to buy two of these airships against the opinion of military seronauts, who were convinced through out that the Gross-Parseval type was superior owing to the less cost of manuoture and the greater ease with which it could be packed and transported.

LONDON, April 25. The British arm airships seem to be most unlucky. At Farnborough to-day the latest one contructed was taken out for a trial during a gale and immediately turned turtle The framework of the machine was

SIR W. VAN HORNE RETIRES. Resigns as President of C. P. R. Directors

MONTREAL, April 24. -Sir William Van Horne has resigned as chairman of the board of directors of the Canadian Pacific Railway Company, a place he has held since 1888. He will remain a director of the company.

Sir William Van Horne first became way in 1881, and was made vice-president and general manager in 1884. In 1888 he was elected president to succeed Lord until 1898.

He then retired and was succeeded as president by Sir Thomas Shaughnessy. \$50,000 RACE IN THE AIR.

Paulhan and White and Du Bonnet to Try

London-Manchester Race. Special Cable Despatch to THE SUN. LONDON, April 25. Louis Paulhan, French aviator, has formally notified the Aero Club that he will compete for the Daily Mail prize of \$50,000 for a flight from London to Manchester. The ditions of the contest allow twenty-fou

hours in which to cover the distance of 186 miles. Two stops on the way are It is announced that the French aviator Du Bonnet will try on May 5 to fly by aeroplane from London to Manchester in an effort to capture the Daily Mail'

prize of \$50,000 if the feat has not bee accomplished before that date It is probable that Graham White, the English aviator, who made 115 miles of

the distance on Saturday before he was ompelled by the high wind to abandor the attempt, will make another trial or

WEALTH IN COMIC ART.

Special Cable Despatch to THE SUN.
LONDON, April 25.—The will of Torn Browne, the comic artist, who died in little over a month ago, was admitted to

probate to-day.

The value of the estate is placed at 218,329, or \$92,643.

RABY LIONESS FOR THE PARK. Bog Faced Baboon Too, but It May Not

Stay - In Wynkoop's African Bag. G. M. Wynkoop of 37 Wall street, who returned from Africa last week, went to Central Park yesterday with a lion cub and a young dog faced baboon which he brought with him from the African jungles. He wished to present the lion oub to the city. The dog faced baboon he had intended to give to a friend in Denver, but he may change his mind and leave it permanently in the menagerie. The young lion is a female named Helen. It is six months old and as accisable as a young dog except when it is hungry, when it snarls but does not bite. It has been brought up on the bottle and is in good condition.

When turned loose in the menagerie Helen ran around Head Keeper Snyder's legs and then tried to climb up his overalls, but the cloth ripped and she got a

tumble.
"Oh, the animals like me all right

FIGHT TICKET FOR ROOSEVELT. It WILL BO OF Solid Gold and Will Pass Him HUGHES FOR

to Jeffrico-Johnson Battle. DENVER, April 25 .- The first ticket for the fight between Jim Jeffries and Jack

nson at San Francisco on July 4 will be presented to Theodore Roosevelt on his arrival in New York. Jack Gleason while in Denver on his way

to the Coast. The ticket will be made of solid gold and appropriately engraved. CINCINNATI, April 25. - A national movement against the Jeffries-Johnson prize fight was inaugurated by the Methodist

ministers of Cincinnati at their meeting to-day. Churches all over the country will be asked to appeal to the Governor TO RESIGN ON OCTOBER 1 of California to stop the fight.

ANALYZING THE COMET. Spectrum Tells Mount Wilson Scientists Horace White to Take His Place

PASADENA, Cal., April 25. Halley's comet is now plainly visible from the summit of Mount Wilson.

Prof. Adams, who has charge of making the observation, said to-day that the spec trum showed the head of the comet to be surrounded by cyanogen gas. The tail is composed of hydrocarbon gas. In some parts one gas prevails while where the other is predominant.

Preparations are making on Mount Wilson for observing the expected electri fication of the earth's atmosphere on May 18, when the comet will cross the sur and the earth will pass through the tail

MISSING PRINCETON STUDENT. lake to Be Bragged for D'Zilva if He

PRINCETON, N. J., April 25.-The au-Seminary and the friends of Lynden C. L. D'Zilva, the student who disappeared from here yesterday, are of the opinion that he has not committed suicide. the back of the envelope which he left on his table addressed to Alexander Mackie a close friend, and in which he left his money and keys was written: "To pay whatsoever I owe. Why are you not here? I am overcome and must This is not the first time that D'Zilva has run away. If nothing is heard of

FLYING DUST NUISANCE.

Street Commissioner Edwards Confer With Aldermen's Finance Cor

Street Commissioner Edwards was in conference yesterday with the Finance Committee of the Board of Aldermer n his effort to secure an appropriation of \$15,000 for experiments as to metho for removing the flying dust nuisance Two plans are to be tried. One is to have auto trucks transfer the cans full from the houses to the waterfront dumping places. It is not yet determined whether the city or the householders will furnish the cane The other plan is a dustless cover for

carts with portholes. The Financo Committee will report

POLICEMAN AGED 75 RETIRES. Patrolman Phillips of the City Hall Joined the Force in 1865.

Patrolman George A. Phillips, who of the City Hall and who asserts that he is No. 2 in point of years of service on the roster of the force, has been reabout a week ago. He was born in 1835 and served in the navy the greater part of the civil war. He was appointed a policeman in 1865. Four years later he signed, but in 1872 he was reinsta He has been on duty in the City Hall since 1897. About a year ago Commis sioner Bingham ordered him to patrol work, but at the request of the reporter assigned to the City Hall he was restored to his old job next day.

CANCELS"POIA" PERFORMANCES Anti-American Clique Triumphs in Bo -Roosevelt May Hear It.

Special Cable Despatch to TRE SUN. BERLIN, April 25.-There seems to be n this city a hostility to foreign artists of all descriptions, and there no better evidence of the fact than conveyed in a notice published in the Lokal Anreiger to-day announcing that the pera "Poia," which had been adv for April 27 and 30, would not take place It was telephoned to the press to-day stituted. It was denied with great vehsence that the change was intended as iscrimination against the Americans.

at the gala performace when Col. velt attends the opera here. BERMUDA COMET CRAZY. tarly Rising Added to the Other Health

It is likely that "Poia" will be presente

muda is comet crasy and e morning hundreds go out to the Gips Hil lighthouse and spend several hours be fore dawn scanning the eastern horizon and other glasses with less magnifyli power unless taken internally. Nobody has seen the comet up to the time the Orotava, which got here yesterday, sailed as the fog had been thick in the morning for several days.

WASHINGTON, April 25.-Secretary of Henry from Albany to talk over his candidacy for Surveyor of the Port of the Secretary of the Treasury to-morrow. Gen. Henry's name has been urged be-fore the President by Senator Root and the President is inclined to appoint him. It is understood that the Secretary of n, in which event Gen. Henry will

Schwartz Not Guilty

tate had finished presenting its evidence to-day against Augustus Schwartz, Putnam instructed the jury to bring in a verdict of acquittal on the ground that the prosecution had not proved its case beyond a reasonable doubt.

SUPREME BENCH

This statement was made to-day by Accepts Taft's Offer to Succeed the Late Justice

Brewer.

as Governor for Three Months.

sed to Be Bid of the Cares of Poitti Life and Hopeful That With the Salary of Supreme Court Justice Increased to \$17,500 He Can Make the Place His Life Work-The Prests dent Expresses Great Gratification at the Acceptance First Offer Made Satisfaction Expressed by Both the Friends and Enemies of the Governor.

ALBANY, April 25.-Gov. Charles E Hughes has decided to accept President Taft's appointment as Associate Justice of the United States Supreme Court in preference to returning to the practice of law in New York city on January 1 next. Gov. Hughes is on record not only in favor of President Taft succeeding himself but against the Governor himself accepting a third nomination, on the ground that his personal fortune will not stand any further drain of public office.

The salary of Governor is \$10,000 and that of a United States Supreme Court Justice \$12,500. The latter salary is to be increased shortly to \$17,500. Gov. Hughes feels that in accepting this life appointment from President Taft he will be able to live within his income and save some money, as the position will not entail any material social obligations or expendi-

As Gov. Hughes will ascend the Supreme Court bench in Washington at the beginning of the second week in October he will not be a factor in next fall's campaign in New York State, nor will he participate in it in any way. When Gov. Hughes resigns in October he will be succeeded as Governor by Lieut.-Gov. Horace White of Syracuse, who will act as Governor until January ! next.

The news that Gov, Hughes had accepted President Taft's appointment came with some surprise to his friends, ernor felt \$10,000 a year was hardly enough for a Governor to live on and who did not believe he would accept any other kind of a place which paid him only \$2,500 more, not even a place on the United States Supreme Court bench They have felt all along that he would be compelled to run again for Governor. To the rank and file of the Republican organization in this State, who voiced their sentiments more freely to-night organization in this State, who than has been done in four years, decision of Gov. Hughes to go upon the bench of the highest tribunal in the

but it was the general opinion among the party leaders that the Governor had not only suited himself but had pleased a large number of his friends and practically all of his enemies by getting out of the political situation in this State. To his friends who were curious to know why he would go to Washing for the judicial office and not go o the practice of law in New York city the Governor made it plain that he

country was welcome news, Some of

the Hughes speeches that were booked

for the support of the next Republic candidate for Governor may be misse

not anxious to make money. He wanted to get out of the excitement of public life. He is sick and tired of being Governor of this State, doesn't want to go to the United States Senate, doesn't want to go down to New York and open a law office and have to be bothered building up a practice again and other atte annoyances which the Governor be would follow him for a long time, at les into private life. The Governor believes the salary of Justice of the United States Supreme Court will be increase \$17,500, and with that and the life te

in office he will be satisfied. Even since Gov. Hughes has been in and 5 o'clock conferences to the newspaper men. He is always genial but seldom talks for publication, and it is an open secret among the newspaper men that the Governor's faculty for up" inquisitors with confidential info tion has often resulted in many news paper men leaving the Governor with to him. The Governor appeared to appreciate this fact keenly to-day a miled. He declined to discuss New York. Gen. Henry will confer with lication his acceptance of President Taft's about it. The Governor impressed his friends about the Capitol as having had a great burden lifted from his sho out of the political atmosphere.

Gov. Hughes was besieged with newspaper men when the Washington report of his acceptance of the President's tender of the nomination of the Judgeship was received at the Capitol. The Governor, however, declined to talk for quotation only making it apparent that he had given thoughtful consideration. The Governor is profoundly impressed with the tre-mendous responsibilities of the position he has agreed to assume and consid